

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
SPRING VALLEY BRANCH, *et al.*,**

Plaintiffs,

v.

**EAST RAMAPO CENTRAL SCHOOL
DISTRICT, *et al.*,**

Defendants.

ECF CASE

Case No. 7:17-cv-08943

**DISTRICT JUDGE
CATHY SEIBEL**

**MAGISTRATE JUDGE
JUDITH C. MCCARTHY**

DECLARATION OF DAVID J. BUTLER
IN SUPPORT OF THE DISTRICT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to 28 U.S.C. § 1746, I, David J. Butler, declare under penalty of perjury that the foregoing is true and correct:

1. I am an attorney with Morgan, Lewis & Bockius LLP, 1111 Pennsylvania Avenue, NW, Washington, DC 20004, and I represent the East Ramapo Central School District (the District).

2. I am a member in good standing of the bar of the State of New York and this Court.

3. I submit this declaration in support of the District's Motion for Summary Judgment.

4. Attached as **Exhibit 1** is a true and correct copy of the official results from East Ramapo Central School District's May 20, 2008 school board election.

5. Attached as **Exhibit 2** is a true and correct copy of the official results from East Ramapo Central School District's May 19, 2009 school board election.

6. Attached as **Exhibit 3** is a true and correct copy of the official results from East Ramapo Central School District's May 11, 2010 school board election.

7. Attached as **Exhibit 4** is a true and correct copy of the official results from East Ramapo Central School District's May 17, 2011 school board election.

8. Attached as **Exhibit 5** is a true and correct copy of the official results from East Ramapo Central School District's May 15, 2012 school board election.

9. Attached as **Exhibit 6** is a true and correct copy of the official results from East Ramapo Central School District's May 21, 2013 school board election.

10. Attached as **Exhibit 7** is a true and correct copy of the official results from East Ramapo Central School District's May 20, 2014 school board election.

11. Attached as **Exhibit 8** is a true and correct copy of the official results from East Ramapo Central School District's May 19, 2015 school board election.

12. Attached as **Exhibit 9** is a true and correct copy of the official results from East Ramapo Central School District's May 17, 2016 school board election.

13. Attached as **Exhibit 10** is a true and correct copy of the official results from East Ramapo Central School District's May 16, 2017 school board election.

14. Attached as **Exhibit 11** is a true and correct copy of the official results from East Ramapo Central School District's May 15, 2018 school board election.

15. Attached as **Exhibit 12** is a true and correct copy of the September 14, 2018 Expert Report (without exhibits) submitted by Plaintiffs' Demography Expert, William Cooper.

16. Attached as **Exhibit 13** is a true and correct copy of the October 26, 2018 Expert Report submitted by Dr. John Alford.

17. Attached as **Exhibit 14** is a true and correct copy of the 2017 Monitor Report, authored by Charles A. Szuberla, Jr. and John W. Sipple and titled, *A New Beginning: A Report on the East Ramapo Central School District*.

18. Attached as **Exhibit 15** are true and correct excerpts of the transcript of the deposition of Bernard Charles, Jr.

19. Attached as **Exhibit 16** are true and correct excerpts of the transcript of the deposition of Eustache Clerveaux.

20. Attached as **Exhibit 17** are true and correct excerpts of the transcript of the deposition of plaintiff Julio Clerveaux.

21. Attached as **Exhibit 18** are true and correct excerpts of the transcript of the deposition of Oscar Cohen.

22. Attached as **Exhibit 19** are true and correct excerpts of the transcript of the deposition of plaintiff Chevon Dos Reis.

23. Attached as **Exhibit 20** are true and correct excerpts of the transcript of the deposition of Jean Fields.

24. Attached as **Exhibit 21** are true and correct excerpts of the transcript of the deposition of Pierre Germain.

25. Attached as **Exhibit 22** are true and correct excerpts of the transcript of the deposition of Shaya Glick.

26. Attached as **Exhibit 23** are true and correct excerpts of the transcript of the deposition of plaintiff Eric Goodwin.

27. Attached as **Exhibit 24** are true and correct excerpts of the transcript of the deposition of plaintiff Jose Vitelio Gregorio.

28. Attached as **Exhibit 25** are true and correct excerpts of the transcript of the deposition of Margaret (“Peggy”) Hatton.

29. Attached as **Exhibit 26** are true and correct excerpts of the transcript of the deposition of Hersh Horowitz.

30. Attached as **Exhibit 27** are true and correct excerpts of the transcript of the Rule 30(b)(6) deposition of the National Association for the Advancement of Colored People, Spring Valley Branch's designee, Willie J. Trotman.

31. Attached as **Exhibit 28** are true and correct excerpts of the transcript of the deposition of plaintiff Hillary Moreau.

32. Attached as **Exhibit 29** are true and correct excerpts of the transcript of the deposition of Yehuda Oshry.

33. Attached as **Exhibit 30** are true and correct excerpts of the transcript of the deposition of Yonah Rothman.

34. Attached as **Exhibit 31** are true and correct excerpts of the transcript of the deposition of Kalman Weber.

35. Attached as **Exhibit 32** are true and correct excerpts of the transcript of the deposition of Emilia White.

36. Attached as **Exhibit 33** are true and correct excerpts of the transcript of the deposition of Steve White.

37. Attached as **Exhibit 34** are true and correct excerpts of the transcript of the deposition of Aron Wieder.

38. Attached as **Exhibit 35** is a true and correct copy of the Declaration of Bernard Charles, Jr.

39. Attached as **Exhibit 36** is a true and correct copy of the Declaration of Eustache Clerveaux.

40. Attached as **Exhibit 37** is a true and correct copy of the Declaration of plaintiff Julio Clerveaux.

41. Attached as **Exhibit 38** is a true and correct copy of the Declaration of Oscar Cohen.

42. Attached as **Exhibit 39** is a true and correct copy of the Declaration of plaintiff Chevon Dos Reis.

43. Attached as **Exhibit 40** is a true and correct copy of the Declaration of Jean Fields.

44. Attached as **Exhibit 41** is a true and correct copy of the Declaration of Pierre Germain.

45. Attached as **Exhibit 42** is a true and correct copy of the Declaration of plaintiff Eric Goodwin.

46. Attached as **Exhibit 43** is a true and correct copy of the Declaration of plaintiff Jose Vitelio Gregorio.

47. Attached as **Exhibit 44** is a true and correct copy of the Declaration of Margaret (“Peggy”) Hatton.

48. Attached as **Exhibit 45** is a true and correct copy of the Declaration of Stephen G. Price.

49. Attached as **Exhibit 46** is a true and correct copy of the Declaration of Dorothy Miller.

50. Attached as **Exhibit 47** is a true and correct copy of the Declaration of Willie J. Trotman.

51. Attached as **Exhibit 48** is a true and correct copy of the Declaration of Aron Wieder.

52. Attached as **Exhibit 49** is a true and correct copy of the Declaration of Suzanne Young-Mercer.

53. Attached as **Exhibit 50** is a true and correct copy of the District's "Register to Vote" website, *available at* <https://www.ercsd.org/Page/287> (accessed March 4, 2019).

54. Attached as **Exhibit 51** is a true and correct copy of the District's "Board of Education" website, *available at* <https://www.ercsd.org/domain/1420> (accessed March 4, 2019).

55. Attached as **Exhibit 52** is a true and correct copy of the District's "Running for Board of Education" website, *available at* <https://www.ercsd.org/Page/290> (accessed March 4, 2019).

56. Attached as **Exhibit 53** is a true and correct copy of the District's "Board Members" website, *available at* <https://www.ercsd.org/Page/90> (accessed March 4, 2019).

57. Attached as **Exhibit 54** is a true and correct copy of SW-0000013033, an e-mail sent from Steve White to Constance Frazier on 8/18/12.

58. Attached as **Exhibit 55** is a true and correct copy of PL0009835, the minutes from a 12/10/2009 meeting of the East Ramapo Stakeholders.

59. Attached as **Exhibit 56** is a true and correct copy of PL0009837, the minutes from a 3/2/2010 meeting of the East Ramapo Stakeholders.

60. Attached as **Exhibit 57** is a true and correct copy of ECF No. 25-5, an e-mail sent from Emilia White to Willie Trotman on 3/2/12.

61. Attached as **Exhibit 58** is a true and correct copy of ECF No. 16-2, a copy of Section 2120 of the East Ramapo Central School District's policies, titled "Board Member Elections."

62. Attached as **Exhibit 59** is a true and correct copy of SW-0000014375, an e-mail sent from Steve White to Denise Kronstadt on 2/14/13.

63. Attached as **Exhibit 60** is a true and correct copy of SW-0000019457, an e-mail sent from Steve White to Oscar Cohen on 2/10/17.

64. Attached as **Exhibit 61** is a true and correct copy of SW-0000013216, an e-mail sent from Steve White to Peggy Hatton on 10/8/12.

65. Attached as **Exhibit 62** is a true and correct copy of SW-0000007729, a 2011 campaign flier.

66. Attached as **Exhibit 63** is a true and correct copy of SW-0000020987, an e-mail sent from Steve White to Power of Ten on 1/12/16.

67. Attached as **Exhibit 64** is a true and correct copy of EW-0000019847, an e-mail sent from Steve White to several former board candidates on 12/18/15.

68. Attached as **Exhibit 65** is a true and correct copy of SW-0000052536, a set of completed questionnaires from prospective 2016 board candidates.

69. Attached as **Exhibit 66** is a true and correct copy of SW-0000027287, an e-mail sent from Steve White to prospective 2016 board candidates on 2/9/16.

70. Attached as **Exhibit 67** are true and correct excerpts of the transcript of the deposition of Matthew A. Barreto.

71. Attached as **Exhibit 68** is a true and correct copy of the July 29, 2018 Preliminary Expert Report submitted by Plaintiffs' political science experts, Dr. Matthew Barreto and Dr. Loren Collingwood.

72. Attached as **Exhibit 69** is a true and correct copy of the September 14, 2018 Expert Report submitted by Plaintiffs' political science experts, Dr. Matthew Barreto and Dr. Loren Collingwood.

Dated: March 4, 2019

s/ David J. Butler

David J. Butler